

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUSSELL S. GRANT,

Plaintiff,

v.

BORGES, et al.,

Defendants.

No. 1:20-cv-00908-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 1, 3 & 13)

Russell Grant (“plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 7, 2020, the assigned magistrate judge issued findings and recommendations, recommending that:

1. This case proceed on Plaintiff’s claim against defendant Rios for excessive force in violation of the Eighth Amendment, and that all other claims against defendant Rios be dismissed;
2. The remainder of Plaintiff’s claims, which arose from incidents occurring at California Institution for Men, be severed from Plaintiff’s claims against defendant Rios and transferred to the United States District Court for the Central District of California; [and]

4. Plaintiff’s motion for a preliminary injunction and a temporary restraining order be denied, without prejudice.

(Doc. No. 13 at 12.)

Plaintiff was provided an opportunity to file objections to the findings and recommendations. The deadline for filing objections has passed and plaintiff has not filed objections or otherwise responded to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly, THE COURT HEREBY ORDERS that:

1. The findings and recommendations issued on July 7, 2020 (Doc. No. 13), are ADOPTED in full;
2. This case proceed on plaintiff's claim against defendant Rios for excessive use of force in violation of the Eighth Amendment, and that all other claims against defendant Rios are dismissed;
3. The remainder of plaintiff's claims, which arose from incidents occurring at California Institution for Men, are severed from plaintiff's claims against defendant Rios and transferred to the United States District Court for the Central District of California;
4. The Clerk of Court is directed to transmit a copy of plaintiff's complaint (Doc. No. 1), plaintiff's motion to proceed in forma pauperis (Doc. No. 5), plaintiff's trust account statement (Doc. No. 10), the screening findings and recommendations (Doc. No. 13), and this order to the United States District Court for the Central District of California;

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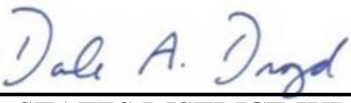
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1 5. Plaintiff's motion for a preliminary injunction and a temporary restraining order
2 (Doc. No. 3) is denied, without prejudice; and

3 6. This case is referred back to the magistrate judge for further proceedings.
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5 IT IS SO ORDERED.

6 Dated: September 2, 2020


UNITED STATES DISTRICT JUDGE